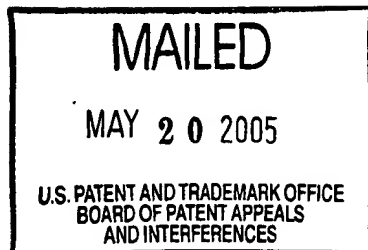


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RIKU SUOMELA
and
JUHA LEHIKONEN

Application 09/740,277

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 13, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed on January 26, 2004. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their

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submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

In addition, appellants filed a Notice of Appeal "from the decision dated October 23, 2003 of the Primary Examiner twice or finally rejecting claims 1-49." The "Status of Claims" section located on page 2 of the Appeal Brief filed April 28, 2004 states that "[c]laims 1-49 are on appeal." However, the Examiner's Answer mailed June 16, 2004 lists the grounds of rejection as follows:

Claims 1-3, 5-17, 27-32, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over French-St. George et al (U.S. Patent 6,012,030) in view of Matthews (U.S. Patent 4,481,384 A) [page 6]; and

Claims 18-26, 33-39, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over French-St. George et al & Matthews as applied to claims 1, 2, 27, and 28, above, in view of Jenkins (U.S. Patent 6,377,793) [page 9].

It should be noted that the Final Rejection mailed October 23, 2003 and the Examiner's Answer mailed June 16, 2004 do not include claims 4 and 47-49 in a rejection (even though they

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were discussed on pages 7 and 8 of the Final Rejection and on pages 7-9 of the Examiner's Answer). Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for consideration of the IDS filed January 26, 2004;
2. for a determination regarding the status of claims 4 and 47-49;
3. for proper notification to appellants regarding the above matters; and
4. for such further action as may be appropriate.

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By: 

DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

DMS/psb

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Michael C. Stuart, Esq.
Cohen, Pontani, Lieberman & Pavane
Suite 1210
551 Fifth Avenue
New York, NY 10176